

JOURNAL OF THE HOUSE.

Monday, June 27, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, the Ultimate Source of Forgiveness and Truth, we are grateful for Your countless material and spiritual blessings which we enjoy daily. Inspire us to use these gifts in a positive, productive and rational manner as we evaluate current, often complex, legislative and public policy issues. As this academic year draws to a close and our young students advance in the education process, help us to offer them creative education opportunities in this changing world. May excellence in education remain a top national priority as we urge our students to use their talents for their own benefit and for the common good.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Prayer.

*Pledge of
allegiance.*

Silent Prayer.

At the request of Representative Petersen of Marblehead, the members, guests and employees stood in a moment of silent prayer in memory of Staff Sergeant Christopher Piper, age 43, of Marblehead, who died on June 16, 2005, after being fatally injured by an improvised explosive device in Afghanistan on June third. Staff Sergeant Piper leaves his father, Ernest, his wife, Connie and two children, Chris, Jr., and Deidre, both of Marblehead. He was the son of the late Helen Piper.

*Silent
Prayer.*

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Petersen of Marblehead) celebrating the centennial anniversary of the Marblehead to Halifax Ocean Race; and

Resolutions (filed by Mr. Welch of West Springfield) congratulating the West Springfield High School baseball team;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Lepper of Attleboro, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Marblehead
Ocean Race.*

*W. Springfield
High School
baseball team.*

Petitions.

The following petitions (having been deposited in the office of the Clerk previously to five o'clock in the afternoon on Wednesday, December 1, 2004) severally were presented and they were referred, under Rule 24 and Joint Rule 13, as follows:

Community
preservation
act.

By Mr. Jones of North Reading, petition (accompanied by bill, House, No. 4193) of Bradley H. Jones, Jr., and others for legislation to exempt certain projects from requirements contained in the community preservation law. To the committee on Community Development and Small Business.

Thoroughbred
racing.

By Mr. Hill of Ipswich, petition (accompanied by bill, House, No. 4194) of Bradford Hill relative to further regulating the thoroughbred racing industry in the Commonwealth; and

Pari-mutuel
enhancement
act.

By Mr. Flynn of Bridgewater, petition (accompanied by bill, House, No. 4195) of David L. Flynn and others for legislation to establish a pari-mutuel enhancement program for the Commonwealth;

Severally to the committee on Economic Development and Emerging Technologies.

UMass
Board of
Trustees.

By Mr. Quinn of Dartmouth, petition (accompanied by bill, House, No. 4196) of John F. Quinn for legislation to provide for faculty representation on the Board of Trustees of the University of Massachusetts. To the committee on Higher Education.

Mansfield,
housing
fund.

By Mrs. Poirier of North Attleborough, petition (accompanied by bill, House, No. 4197) of Elizabeth A. Poirier and others (by vote of the town) relative to authorizing the town of Mansfield to establish an affordable housing trust fund. To the committee on Housing.

Harwich,
charter.

By Mrs. Gomes of Harwich, petition (accompanied by bill, House, No. 4198) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the charter of the town of Harwich. To the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Paper from the Senate.

Winchendon,
retirees
insurance.

A petition (accompanied by bill, Senate, No. 2130) of Stephen M. Brewer (by vote of the town) for legislation to authorize the town of Winchendon to include the cost of school department retirees' health insurance as part of the school district's net school spending, was referred, in concurrence, to the committee on Education.

Reports of Committees.

Military,
motor
vehicle
excise.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of James T. Welch for legislation to exempt certain members of the armed forces from the motor vehicle excise tax. Under suspension of the rules, on motion of Mr. Sullivan of Fall River, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3664) of Daniel E. Bosley and others for the establishment of a Commonwealth corporation for business, work and learning to provide for a self-sufficiency standard for incomes in the Commonwealth,— and recommending that the same be referred to the committee on Labor and Workforce Development;

Self-sufficiency
standards.

By Mr. Mariano of Quincy, for the committee on Financial Services, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3743) of Peter J. Koutoujian and John W. Scibak relative to coupons of manufacturers submitted to health care insurers; and

Manufacturers
coupons.

Of the petition (accompanied by bill, House, No. 3899) of Jay R. Kaufman and others for legislation to regulate genetic testing results relative to the issuance of disability and life insurance policies;

Genetic
testing
results.

And recommending that the same severally be referred to the committee on Public Health; and

By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1116) of Robert A. O'Leary, Richard T. Moore, Robert J. Haynes, AFL-CIO, Patricia D. Jehlen and other members of the General Court for legislation to provide amendments to the labor laws,— and recommending that the same be referred to the committee on Public Service.

Labor
laws,
amend.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Murphy of Lowell, for the committee on Higher Education, on a petition, a Bill relating to the Reggie Lewis Track at Roxbury Community College (House, No. 1229).

Reggie
Lewis
Track.

By the same member, for the same committee, on a petition, a Bill relative to University of Massachusetts — employee payroll deduction (House, No. 1256).

UMass,
payroll
deductions.

By the same member, for the same committee, on House, No. 1232, a Bill establishing a GEAR-UP fund for college education (House, No. 4191).

College
education
fund.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to private attorneys providing public counsel services (House, No. 992).

Public
counsel
services.

By the same member, for the same committee, on the Final report of the Commission to study the Provision of Counsel to Indigent Persons in Massachusetts, a Bill relative to the recommendations of the provision of Counsel to indigent persons commission (printed in House, No. 2793).

Indigent
persons.

By the same member, for the same committee, on Senate, No. 1030, a Bill establishing the interstate compact for adult offender supervision (House, No. 4192).

Adult
offender
supervision.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill authorizing the Massachusetts Bay Transportation Authority to enter into agreements to enable extension of

Nashua,
N.H.,
commuter
rail.

commuter rail passenger services to Nashua New Hampshire (House, No. 2107).

Railroad crossings.

By the same member, for the same committee, on a petition, a Bill relative to railroad crossings (House, No. 2109).

Safe school routes.

By the same member, for the same committee, on a petition, a Bill to establish a safe routes to school program (House, No. 2121).

MBTA Advisory Board.

By the same member, for the same committee, on a petition, a Bill relative to the expenses of the MBTA Advisory Board (House, No. 2210).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Coastal damage, mitigation.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing coastal storm damage mitigation accounts (House, No. 1629).

Falmouth, conservation commission.

By the same member, for the same committee, on a petition, a Bill relative to the membership of the Conservation Commission of the town of Falmouth (House, No. 4098) [Local Approval Received].

Rockland, capital planning.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Rockland (House, No. 4107) [Local Approval Received].

Rockland, town collector.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Rockland (House, No. 4108) [Local Approval Received].

Rockland, administrator.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Rockland (House, No. 4109) [Local Approval Received].

Rockland, finance committee.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Rockland (House, No. 4110) [Local Approval Received].

Mashpee, easement.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Mashpee to grant a certain easement (House, No. 4111) [Local Approval Received].

Brookline, revolving funds.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Brookline to increase the expenditure cap on chapter 44, section 53E½ revolving funds (House, No. 4112) [Local Approval Received].

North Andover, board of health.

By the same member, for the same committee, on a petition, a Bill relative to the board of health in the town of North Andover (House, No. 4115) [Local Approval Received].

North Andover, easement.

By the same member, for the same committee, on a petition, a Bill authorizing the town of North Andover to grant a certain utility easement (House, No. 4116) [Local Approval Received].

Chicopee, city solicitor.

By the same member, for the same committee, on a petition, a Bill relative to the city of Chicopee (House, No. 4117) [Local Approval Received].

Falmouth, conservation land.

By the same member, for the same committee, on a petition, a Bill relative to certain conservation land in the town of Falmouth (House, No. 4133) [Local Approval Received].

Weymouth, Veterans Bridge.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Weymouth as "The Weymouth Veterans Memorial Bridge" (House, No. 1693, changed by striking out, in line 6, the words "and main-

tain", in line 7, by inserting after the word "bridge", the words "bearing said designation" and by adding at the end thereof the following sentence: "The Massachusetts Bay Transportation Authority shall be responsible for the maintenance of said marker.").

By the same member, for the same committee, on a petition, a Bill to designate all or part of certain state highways in Essex County as a coastal scenic byway (House, No. 4036).

Essex county, scenic byway.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

The engrossed Bill relative to the health insurance of active and retired employees of the city of Melrose (see House, No. 4064) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Orders of the Day.

The House Bill relative to the health care security trust fund (House, No. 3835, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third reading bill.

Recess.

At twenty-five minutes before twelve o'clock A.M., on motion of Mr. Sullivan of Fall River (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measure.

The engrossed Bill relative to certain capital spending authorizations (see House bill printed in House, No. 4129), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Capital spending authorizations.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Engrossed Bill.

The engrossed Bill making certain appropriations for the fiscal year ending June 30, 2006, before final action on the General Appropriation Bill for that fiscal year (see House bill printed in House, No. 4183) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At twenty-two minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.